

# 2004 Current Fiscal Year Report: Industry Functional Advisory Committee on Customs Matters for Trade Policy Matters

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## 1. Department or Agency

Department of Commerce

## 2. Fiscal Year

2004

## 3. Committee or Subcommittee

Industry Functional Advisory Committee on Customs Matters for Trade Policy Matters

## 3b. GSA

## Committee No.

332

## 4. Is this New During Fiscal Year?

No

## 5. Current Charter

03/17/2004

## 6. Expected Renewal Date

03/18/2004

## 7. Expected Term Date

06/16/2004

## 8a. Was Terminated During Fiscal Year?

Yes

## 8b. Specific Termination Authority

No

## 8c. Actual Term Date

06/16/2004

## 9. Agency Recommendation for Next Fiscal Year

Terminate

## 10a. Legislation Req to Terminate?

No

## 10b. Legislation Pending?

## 11. Establishment Authority

Statutory (Congress Created)

## 12. Specific Establishment Authority

19 U.S.C. 2155

## 13. Effective Date

01/03/1975

## 14. Committee Type

Continuing

## 14c.

## Presidential?

No

## 15. Description of Committee

National Policy Issue Advisory Board

## 16a. Total Number of Reports

4

## 16b. Report Date Report Title

03/12/2004 IFAC 1 Report on the Australia FTA

03/17/2004 Report of IFAC 1 on the Central American FTA (CAFTA)

04/06/2004 Report of IFAC 1 on Morocco FTA

04/22/2004 IFAC 1 Report on Integration of the Dominican Republic into CAFTA

## Number of Committee Reports Listed: 4

17a. Open 0 17b. Closed 4 17c. Partially Closed 0 Other Activities 0 17d. Total 4

## Meetings and Dates

### Purpose

The meeting of IFAC 1 focused on Committee Positions regarding several customs trade policy issues.

### Start

### End

Closed teleconference to deliberate on and approve the Committee reports on Australia FTA and Central American FTA (CAFTA).

01/15/2004 - 01/15/2004

Closed teleconference to deliberate on and approve Committee report on the Morocco FTA

03/04/2004 - 03/04/2004

Closed teleconference to deliberate on and approve the Committee report on the Integration of the Dominican Republic into the CAFTA.

04/02/2004 - 04/02/2004

04/21/2004 - 04/21/2004

## Number of Committee Meetings Listed: 4

Current FY Next FY

<b>18a(1). Personnel Pmts to Non-Federal Members</b>	\$0.00	\$0.00
<b>18a(2). Personnel Pmts to Federal Members</b>	\$0.00	\$0.00
<b>18a(3). Personnel Pmts to Federal Staff</b>	\$3,605.00	\$0.00
<b>18a(4). Personnel Pmts to Non-Member Consultants</b>	\$0.00	\$0.00
<b>18b(1). Travel and Per Diem to Non-Federal Members</b>	\$0.00	\$0.00
<b>18b(2). Travel and Per Diem to Federal Members</b>	\$0.00	\$0.00
<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$0.00	\$0.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$0.00	\$0.00
<b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b>	\$0.00	\$0.00
<b>18d. Total</b>	\$3,605.00	\$0.00
<b>19. Federal Staff Support Years (FTE)</b>	0.05	0.00

**20a. How does the Committee accomplish its purpose?**

Throughout Fiscal Year 2004, IFAC 1 members provided advice to U.S. trade policy negotiators regarding customs matters in a variety of fora. Members have provided advice on a WTO New Round, particularly with regard to work towards launching negotiations on Trade Facilitation. Members continue to provide extensive advice on the implementation of the WTO Agreement on Customs Valuation, particularly with regard to concerns over case-by-case consideration of extension requests in the WTO and capacity building efforts. Members continue to monitor and comment on development of harmonized, product specific, non-preferential rules of origin currently being negotiated at the World Trade Organization (WTO) in Geneva. IFAC 1 has provided advice on the customs procedures and rules of origin aspects of four Free Trade Agreements in 2004, the Central American FTA, the Australia FTA, the Morocco FTA, and the Integration of the Dominican Republic into the CAFTA. IFAC 1 also provided advice on incomplete FTAs in 2004 - SACU FTA, Bahrain FTA, Andean FTA, Panama FTA, and the FTAA. IFAC 1 has also provided advice on efforts undertaken by U.S. Treasury and U.S. Customs which relate to development of U.S. participation in international customs modernization policies: the WCO Data Initiative, DHS customs security measures, and U.S. positions in the World Customs Organization. IFAC 1 has also provided advice on the impact on trade of newer U.S. border security measures.

**20b. How does the Committee balance its membership?**

IFAC 1 is reasonably and equally divided between members who represent a variety of U.S. exporters and goods for export, and members concerned primarily with particular industry sectors. Both industry consultants and exporter representatives cooperate as IFAC members to provide consensual advice and guidance to the U.S. officials on all concerns upon which the IFAC membership has expertise. The members share an understanding of the importance of facilitating and improving customs procedures and

customs cooperation in promoting efficiencies in and the growth of U.S. exports.

**20c. How frequent and relevant are the Committee Meetings?**

The Committee meets approximately four times a year. However, the actual number of meetings is dictated by perceived Government need for private sector advice. The U.S. Government will be engaged in multilateral and bilateral trade policy initiatives including planning for a New Round in the WTO, bilateral Free Trade Agreements, the FTAA, Asia-Pacific Economic Cooperation, Organization for Economic Cooperation and Development issues, WTO implementation and capacity building initiatives; accession to the WTO, monitoring China's accession, and enforcement of trade agreements, and policy development in the World Customs Organization. The advice the Government receives from the private sector through the advisory committee is an ongoing process and an intrinsic part of the development of U.S. policy for all negotiations.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

The Committee structure ensures a unique source of information to the Government. All members have security clearances and through a continuing dialogue with Government officials are cognizant of Government trade policy at a level not otherwise available to the private sector. Because this Committee is kept current in the broad spectrum of trade policy rather than a single facet--as would be the case in the absence of a committee structure--the private sector input from the committee is more pertinent. The advisory committee program, legislatively mandated, is the single formal comprehensive consultative link between the U.S. Government and U.S. industry and has the responsibility to address all issues concerning trade policy.

**20e. Why is it necessary to close and/or partially closed committee meetings?**

The Industry Consultations Program was established by the Trade Act of 1974 and in accordance with the Federal Advisory Committee Act (FACA). Subsection 135(f) of the Trade Act provides that the ISACs shall be exempt from the provisions of the FACA relating to open meetings, public notice, public participation, and public availability of documents when it is determined that the proceedings would, if disclosed, seriously compromise the Government's negotiating objectives or bargaining positions regarding trade policy matters. ISAC and IFAC meetings routinely involve these kinds of discussions. The United States Trade Representative (USTR) evaluates each meeting agenda and issues a Notice of Determination when it is necessary to close meetings.

**21. Remarks**

## Designated Federal Officer

Katherine Wiehagen DFO

Committee Members	Start	End	Occupation	Member Designation
Bernot, Marietta	03/17/2002	06/16/2004	International Trade Services	Special Government Employee (SGE) Member
Clawson, James	03/17/2002	06/16/2004	JBC International	Special Government Employee (SGE) Member
Leo, Robert	03/17/2002	06/16/2004	Meeks and Sheppard	Special Government Employee (SGE) Member
McGovern, John	03/17/2002	06/16/2004	Sun Microsystems, Inc.	Special Government Employee (SGE) Member
Merber, Sandy	03/17/2002	06/16/2004	General Electric	Special Government Employee (SGE) Member
Nounou, Houda	03/17/2002	11/30/2003	Tech Data Corporation	Special Government Employee (SGE) Member
Presti, Susan	03/17/2002	06/16/2004	Air Courier Conference of America	Special Government Employee (SGE) Member
Rachlin, Lauren	03/17/2002	06/16/2004	Kavinoky and Cook	Special Government Employee (SGE) Member
Sandler, Gilbert	03/17/2002	06/16/2004	Sandler, Travis and Rosenberg, P.A.	Special Government Employee (SGE) Member
Shostak, Marjorie	03/17/2002	06/16/2004	Stein, Shostak, Shostak and O'Hara	Special Government Employee (SGE) Member
Suarez, Evelyn	03/17/2002	06/16/2004	Representing Sea-Land Service, Inc.	Special Government Employee (SGE) Member
Weise, George	03/17/2002	06/16/2004	Global Trade Compliance	Special Government Employee (SGE) Member

**Number of Committee Members Listed: 12**

## Narrative Description

The Committee advises the Secretary and the USTR concerning the trade matters referred to in Sections 101, 102, and 124 of the Trade Act of 1974, as amended; with respect to the operation of any trade agreement once entered into; and with respect to other matters arising in connection with the development, implementation, and administration of the trade policy of the United States including those matters referred to in Reorganization Plan Number 3 of 1979 and Executive Order 12188, and the priorities for actions thereunder. In particular, the Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and the USTR regarding trade barriers and implementation of trade agreements negotiated under Sections 101 or 102 of the Trade Act of 1974, as amended, and Sections 1102 and 1103 of the 1988 Trade Act, which affect the products of its sector; and performs such other advisory functions relevant to U.S. trade policy as may be requested by the Secretary and the USTR or their designees.

**What are the most significant program outcomes associated with this committee?**

	Checked if Applies
Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input checked="" type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>
Implementation of laws or regulatory requirements	<input type="checkbox"/>
Other	<input type="checkbox"/>

### Outcome Comments

Effective in formulating the trade policy objectives of the United States.

### What are the cost savings associated with this committee?

	Checked if Applies
None	<input checked="" type="checkbox"/>
Unable to Determine	<input type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

### Cost Savings Comments

NA

### What is the approximate Number of recommendations produced by this committee for the life of the committee?

0

### Number of Recommendations Comments

No measureable calculation. The IFAC 1 presented their respective members views on priority issues on multilateral, bilateral, and regional trade negotiations. Their advice and recommendations are mostly rendered orally during meetings while U.S. Government officials are present. During this fiscal year the IFAC members, presented advice and recommendations on priority issues on the various free trade agreements.

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

0%

**% of Recommendations Fully Implemented Comments**

No measureable calculation as section 135 of the Trade Act of 1974, as amended, does not bind the USTR and Secretary of Commerce to the advice submitted by the Committee.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

0%

**% of Recommendations Partially Implemented Comments**

No measureable calculation as section 135 of the Trade Act of 1974, as amended, does not bind the USTR and Secretary of Commerce to the advice submitted by the Committee.

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☒ No ☐ Not Applicable ☐

**Agency Feedback Comments**

Feedback is primarily rendered orally during meetings while U.S. government officials and trade negotiators are present. Formal written advice addressed to the Secretary of Commerce (and/or jointly to the USTR), or their designees, is reviewed by the Secretary's policy staff and tasked to appropriate ITA unit to prepare a draft response. Commerce's internal procedures require that all responses for Secretarial signature (and/or joint signature with USTR) go through a concurrence process which ensures that the appropriate level Commerce officials are seeing the advice and have a chance for comment. All formal responses must be cleared by the Under Secretary of Commerce for International Trade prior to Secretary's signature, which ensures that their committee's advice is weighed and considered.

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Reorganized Priorities

Checked if Applies



Reallocated resources	<input checked="" type="checkbox"/>
Issued new regulation	<input checked="" type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

### **Action Comments**

Issued changes to text of trade agreements.

### **Is the Committee engaged in the review of applications for grants?**

No

### **Grant Review Comments**

NA

### **How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO	<input type="checkbox"/>
Online Agency Web Site	<input type="checkbox"/>
Online Committee Web Site	<input type="checkbox"/>
Online GSA FACA Web Site	<input type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

### **Access Comments**

NA